



PATENT
Customer No. 22,852
Attorney Docket No. 05725.1020

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Veronique FERRARI) Group Art Unit: 1615
)
Application No.: 10/047,987) Examiner: J. VENKAT
)
Filing Date: January 17, 2002) Confirmation No.: 3250
Date of Allowance: April 11, 2005)
)
For: COSMETIC COMPOSITION)
CONTAINING A POLYMER AND A)
FLUORO OIL (AS AMENDED))

MAIL STOP ISSUE FEE

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97(d)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(d), Applicant brings to the attention of the Office the documents listed on the attached IDS Form PTO/SB/08. This Supplemental Information Disclosure Statement is being filed after the Notice of Allowance dated April 11, 2005, and concurrently with payment of the issue fee. In compliance with 37 C.F.R. § 1.97(d), this Supplemental Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by 37 C.F.R. § 1.17(p) and a certification as specified by 37 C.F.R. § 1.97(e)(2).

Based on a reasonable inquiry, no document listed in this Supplemental Information Disclosure Statement was cited in a communication from a foreign patent

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office in a counterpart foreign application, and no document listed in this Supplemental Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c), more than three (3) months prior to the filing date of this Supplemental Information Disclosure Statement.

Copies of the newly listed documents, excluding any U.S. Patents, are enclosed. Applicant respectfully requests that the Office consider the listed documents and indicate this consideration by making appropriate notations on the attached IDS Form PTO/SB/08. Applicant's representatives understand from the Examiner that in related co-pending applications she considered references cited in the IDS Forms PTO/SB/08 filed but crossed through some of the citations and did not initial the entries to avoid the printing of the those documents on the face of any patent granted there from. In light of the Examiner's representations regarding the crossing-out of references in the related co-pending applications, Applicant will consider any entries crossed through by the Examiner in this case as having been properly submitted and considered by the Examiner unless the Examiner specifically states otherwise in the papers returning the form.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358 (Fed. Cir. 2003), that an "adverse decision" by another examiner may meet the materiality standard under amended 37 C.F.R. § 1.56 and, thus, applicants should disclose prior rejections of "substantially similar claim[s]" to the Office. Accordingly, although Applicant does not represent that the Office Actions in the co-pending applications are material to the present application and do not admit that any of the other claims are substantially

similar, out of an abundance of caution Applicant has listed the substantive Office Actions issued in co-pending applications on the attached PTO/SB/08. At the Examiner's request, Applicant has not included copies of those Office Actions issued in the co-pending applications by the present Examiner of this application.

Further to the Notification of Pending Litigation filed on July 23, 2004, in this application, Applicant submits two additional documents from the on-going litigation *L'Oreal S.A., et al. v. Estee Lauder Companies Inc. et al.*, Civil Action No. 04-1660 (D.N.J.). The first document is Estee Lauder's Amended Answer and Counterclaims, dated April 21, 2005. The second document is a copy of Estee Lauder's Response to Plaintiffs' Third Set of Interrogatories (Nos. 8-13). Both of these documents are enclosed with this Information Disclosure Statement and listed on the IDS Form PTO/SB/08.

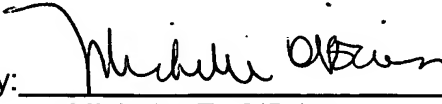
This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Office applies any of the listed documents as prior art against any claims in this application and Applicant determines that the cited document(s) do not constitute "prior art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such document(s). Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any additional fee due in connection with the filing of this Statement,
please charge the fee to our Deposit Account No. 06-0916.

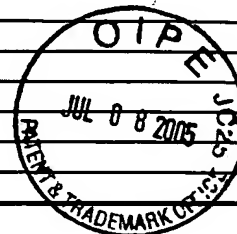
Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 8, 2005

By: 
Michelle E. O'Brien
Reg. No. 46,203

IDS Form PTO/SB/08: Substitute for form 1449A/PTO <div style="text-align: center;">INFORMATION DISCLOSURE STATEMENT BY APPLICANT</div> <div style="text-align: center;">(Use as many sheets as necessary)</div>			<div style="text-align: right;">Complete if Known</div> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number</td> <td>10/047,987</td> </tr> <tr> <td>Filing Date</td> <td>January 17, 2002</td> </tr> <tr> <td>First Named Inventor</td> <td>Veronique FERRARI</td> </tr> <tr> <td>Art Unit</td> <td>1615</td> </tr> <tr> <td>Examiner Name</td> <td>J. VENKAT</td> </tr> <tr> <td>Attorney Docket Number</td> <td>05725.1020-00000</td> </tr> </table>		Application Number	10/047,987	Filing Date	January 17, 2002	First Named Inventor	Veronique FERRARI	Art Unit	1615	Examiner Name	J. VENKAT	Attorney Docket Number	05725.1020-00000
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Sheet	1	of	1													



U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials	Cite No.	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code (if known)			
		4,148,875	4/10/1979	Barnett et al.	
		4,822,601	4/18/1989	Goode et al.	
		5,290,555	3/1/1994	Guthausen et al.	
		5,605,651	2/25/1997	Balzer	
		5,702,519	12/30/1997	Nitta et al.	
		5,993,787	11/30/1999	Sun et al.	
		6,214,326	4/10/2001	Dupuis	
		6,428,773 B1	8/6/2002	Oko et al.	
		6,447,759 B2	9/10/2002	Noguchi et al.	
		6,506,716	1/14/2003	Delplancke et al.	
		6,761,881 B2	7/13/2004	Bara	

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation
		Estee Lauder's Amended Answer and Counterclaims, dated April 21, 2005, in the on-going litigation L'Oreal S.A., et al., v. The Estee Lauder Companies Inc., et al., Civil Action No. 04-1660 (D.N.J.)	
		Estee Lauder's Response to Plaintiff's Third Set of Interrogatories (Nos. 8-13), dated June 21, 2005, in the on-going litigation L'Oreal S.A., et al. v. The Estee Lauder Companies Inc., et al., Civil Action No. 04-1660 (D.N.J.)	
		Office Action in co-pending Application No. 09/733,900 (Attorney Docket No. 05725.0595-00), dated June 2, 2005 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/012,052 (Attorney Docket No. 05725.1005-00), dated June 3, 2005 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/203,375 (Attorney Docket No. 06028.0018-00), dated May 13, 2005 (Ex. Punnose)	
		Office Action in co-pending Application No. 10/699,780 (Attorney Docket No. 05725.0895-02), dated June 15, 2005 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/746,612 (Attorney Docket No. 05725.1338-01) dated June 15, 2005 (Ex. Venkat)	
		Richard J. Lewis, Sr., "Ricinoleic Acid," Hawley's Condensed Chemical Dictionary 927 (13th. 1997)	

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.